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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,463	09/20/2000	Aude Livoreil	05725.0758-00000	7146

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WASHINGTON, DC 20005

EXAMINER

PRYOR, ALTON NATHANIEL

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/666,463	<b>Applicant(s)</b> LIVOREIL, AUDE	
	<b>Examiner</b> Alton N. Pryor	<b>Art Unit</b> 1616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1,2,4,6-11,13-17,19,21-26,28-55,59,66,68-74,77 and 80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,4,6-11,13-17,19,21-26,28-55,59,66,68-74,77 and 80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2,4,6-11,13-17,19,21-26,28-55,59,66,68-74,77,80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "entity" in claims above stated claims is a relative term which renders the claim indefinite. The term "entity" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. What is meant by the term "entity"?

The term "double unsaturation" in claims stated above is a relative term which renders the claim indefinite. The term "double unsaturation" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. What is meant by the term "double unsaturation"?

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 80 is rejected under 35 U.S.C. 102(b) as being anticipated by Pryor et al (tetrahedron, 1998, vol. 54, no. 6, pp. 4107-24). Pryor teaches a compound of instant claim 80 where  $R = H$ ,  $Y = CONR'$ ,  $R' = C-10$  hydrocarbon radical having ester substitution.  $R'$  has "O" substitution and a carbonyl group ( $C=O$ ) as a degree of unsaturation. See abstract.

Claim 80 is rejected under 35 U.S.C. 102(b) as being anticipated by Goodman et al (WO 97/9106; 5/29/97). Goodman teaches a compound of instant claim 80 where  $R = Me$ ,  $Y = CONR'$ ,  $R' = C-12$  hydrocarbon radical having ester substitution.  $R'$  has "O" substitution and a carbonyl group ( $C=O$ ) as a degree of unsaturation. See abstract.

Claim 80 is rejected under 35 U.S.C. 102(b) as being anticipated by Feng (Biopolymers, 1996, 39 no. 6, 859-72). Feng teaches a compound of instant claim 80 where  $R = Me$ ,  $Y = CONR'$ ,  $R' = C-15$  hydrocarbon radical having amide substitution.  $R'$  has "N" substitution and a carbonyl group ( $C=O$ ) as a degree of unsaturation. See abstract.

Claim 80 is rejected under 35 U.S.C. 102(b) as being anticipated by Melacini et al (J. of the American Chemical Society, 1996, 118 no. 44, 10725-32). Melacini teaches a compound of instant claim 80 where  $R = Me$ ,  $Y = CONR'$ ,  $R' = C-16$  hydrocarbon radical having amide substitution.  $R'$  has "N" substitution and a carbonyl group ( $C=O$ ) as a degree of unsaturation. See abstract.

Claim 80 is rejected under 35 U.S.C. 102(b) as being anticipated by Melacini et al (tetrahedron, 1995, 36 no. 37, 6623-6). Melacini teaches a compound of instant claim 80 where  $R = Me$ ,  $Y = CONR'$ ,  $R' = C-11$  hydrocarbon radical having amide substitution.

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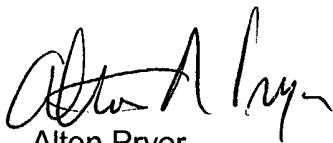
R' has "N" substitution and a carbonyl group (C=O) as a degree of unsaturation. See abstract.

***Telephonic Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton N. Pryor whose telephone number is 571-272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alton Pryor  
Primary Examiner  
AU 1616